

REMARKS

Summary

Claims 9-28 were pending and all of the claims were rejected in the present Office action. Claims 9-11, 17, 22 and 28 have been amended. No new matter has been added.

Claim Rejections

35 U.S.C. § 103(a)

Claims 9-13, 21-23, 26 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Distler et al. (US 6,195,578; "Distler") in view of Mohapatra et al. (US 5,595,905, "Mohapatra"). Claims 9, 22 and 28 have been amended to clarify the arrangement of the elements of the apparatus claimed.

Amended Claim 9, which is representative, recites, *inter alia*, a height adjusting device mounted on the gantry wherein a mounting axis of the height adjusting device is displaced laterally from an axis of the examination aperture.

Distler describes a patient bearing table 3 mounted to an operating column 5, the operating column 5 being supported by on a stationary base 7 by a rotatable bearing plate 6. This is not the same arrangement as recited in amended Claim 9.

Mohapatra shows an object handling system B (see Fig. 1) that is not mounted to the imaging system A.

Thus, the combination of the references does not show all of the elements and limitations thereof of Claim 9, and the arrangement thereof, and Claim 9 is allowable. Independent Claims 22 and 28, being similarly amended are allowable for the same reasons. Claims 10-13, 21, 23 and 26 are dependent on the allowable independent claims and are allowable, without more.

Claims 17-20, 24-25 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Distler in view of Mohapatra, and further in view of Seufert (US Pub 2002/0112288; "Seufert"). Claims 17-20, 24-25 and 27 are claims dependent on allowable Claims 9 and 22, and are allowable without more. Nothing in the Office action

addresses the deficiencies in the combination of references in addressing the rejections of the independent claims.

Claims 9-12, 22-23, 26 and 28 were rejected 35 U.S.C. § 103(a) as being unpatentable over Gore (GB 2,286,887; "Gore") in view of Mohapatra. The Applicants respectfully traverse the rejection on the basis that a *prima facie* case of obviousness has not been made out. The Applicants express appreciation to the Examiner for the clarification of the USPTO position as expressed in the Response to Arguments section (page 5) of the present Office action.

In effect, Examiner maintains that in order to be patentable, the claim language ought to positively exclude the arrangement shown in FIGs. 1 and 2 of Gore. The Applicants respectfully submit that the criteria for obviousness (accepting, *arguendo*, that the second reference, Mohapatra, overcomes the admitted defect in the teachings of Gore) is that the recited claim not read on the combination of the references. In this regard, Gore shows a mounting axis that is not laterally displaced from the aperture. This is the situation whether the MRI device of Gore is viewed from the front, as in FIGs. 1 and 2 thereof, or from (not shown in Gore) the side. As such Claim 9 does not read on the references. The combination of the references cannot, therefore, be asserted to teach all of the elements and limitations of Claim 9. Claim 9, as originally submitted, recited that the height adjusting device is mounted on the gantry and laterally displaced from an aperture. Claims 22 and 28 were amended similarly to Claim 9 and remain allowable, for the same reasons. Claims 10-12, 23 and 26, being claims dependent on an allowable claim, are allowable, without more.

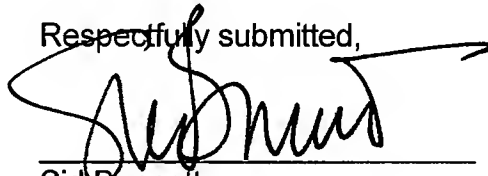
Conclusion

Claims 9-28 are pending.

For at least the reasons set forth above, the Applicants respectfully submit that the pending claims are allowable and look forward to the early issuance of a Notice of Allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sid Bennett', written over a horizontal line.

Sid Bennett

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